**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John C. Harvey and James W. Cuddihy:

Serial No.:

08/447,496

Filed:

May 23, 1995

For: SIGNAL PROCESSING APPARATUS AND

**METHODS** 

Group Art Unit: 2712

Examiner: MOE, A.

Atty Dkt: 05634.0121Received

SUBMISSION UNDER 37 C.F.R. 1.129(a)

**BOX: AFTER FINAL** 

Assistant Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Applicants request that the finality of the final rejection dated October 27, 1998 be withdrawn in view of this timely filed first submission under 37 C.F.R. § 1.129(a). Our Check No. 3/1463 is enclosed for payment of the fee set forth in 37 C.F.R. § 1.17(r). The present application has an effective pendency of at least two years as of June 8, 1995, taking into account any reference of record to any earlier filed application under 35 U.S.C. § 120, 121 and 365(c). This petition and the fee set forth in § 1.17(r) are being filed prior to the filing of an appeal brief and prior to abandonment of the application. Applicants therefore respectfully request that the amendment and request for reconsideration previously filed be entered.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents.

06/24/1999 MEASON 00000002 08447496

01 FC:146

760.00 OP

However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 08-3038.

Date: <u>June 9, 1999</u> **HOWREY & SIMON** 1299 Pennsylvania Avenue, NW Washington, D.C. 20004 Respectfully submitted,

Thomas J. Scott

Registration No. 27,836

Donald J. Lecher.

Registration No. 41,933 Attorney for Applicants

Tel: (202) 383-6790